

## **REMARKS**

Upon entry of the foregoing Amendment, claims 1-10, 12-21, and 23-32, and 34 are pending in the application. Claims 1, 12-21, 23, and 34 have been amended. Claims 11, 22, and 33 have been canceled without prejudice or disclaimer. No claims have been added. The Amendment does not add new matter. In view of the foregoing Amendment and following Remarks, allowance of all the pending claims is requested.

### ***Rejection Under 35 U.S.C. § 101***

The Examiner has rejected claims 12-22 under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. *Office Action* at page 2. Applicant traverses this rejection for at least the reason that these claims are allowable subject matter. However, solely to expedite prosecution of this application, Applicant has amended claim 12 to recite "Computer readable medium containing computer-executable instructions," which is statutory subject matter. Accordingly, the rejection of this claim must be withdrawn. Claims 13-21 depend from and add features to claim 12. As such, the rejection of these claims must be withdrawn for at least the reason set forth above with regard to claim 12. Applicant has canceled claim 22 without prejudice or disclaimer, rendering the rejection hereto moot.

### ***Rejection Under 35 U.S.C. §§ 102 and 103***

The Examiner has rejected claims 1-6, 11, 12-17, 22, 23-28, and 33-34 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent Publication 2002/0042277 to Smith ("Smith"). *Office Action* at page 2. The Examiner has rejected claim 7 under 35 U.S.C. § 103(a) as allegedly being unpatentable under Smith. The Examiner has rejected claims 9-10 under 35 U.S.C. § 103(a) as allegedly being unpatentable under Smith in view of U.S. Patent Number 6,716,101 to Meadows et al. ("Meadows"). *Office Action* at page 5. Applicant traverses these rejections for at least the reason that the references relied upon, either alone or in combination with one another, fail to disclose, teach, or suggest every feature of the claimed invention.

Nonetheless, solely to expedite prosecution of this application, Applicant has amended claim 1 to include the features of claim 11. As such, claim 1 as amended recites: "sending a permission request to the mobile device in response to the received location request" and "providing access to the location data associated with the mobile device based on a response by the mobile device to the permission request." Accordingly, claim 11 has been canceled without prejudice or disclaimer. Similarly, claim 12 has been amended to include similar features from claim 22 and claim 23 has been amended to include similar features from claim 33. As such, claims 22 and 33 have been canceled without prejudice or disclaimer. Claim 34 has also been amended to recite features similar to canceled claim 11.

These features are not disclosed, taught, or suggested by any of the references relied upon by the Examiner either alone or in combination with one another. The Examiner alleges that these features are disclosed by Smith at para. 24. *Office Action* at page 4. However, these portions of Smith appear to describe a Home Location Register (HLR) that accesses a subscriber profile to determine whether access to location information should be granted. *Smith*, para. 24, ll. 10-17. Thus, at best, the permission request of Smith appears to be sent to a central registry (the HLR) and not "to the mobile device in response to the received location request." Furthermore, the access provided by Smith appears to be based on pre-existing profiles set by the subscriber in the subscriber profile and is not access provided "based on a response by the mobile device to the permission request."

Meadows fails to cure the defects of Smith. Accordingly, for at least this reason, the rejection of claims 1, 12, 23, and 34 are improper and must be withdrawn. Claims 2-10, 13-21, and 24-32 depend from and add features to claims 1, 12, and 23. As such, the rejection of these dependent claims must be withdrawn for at least the reasons set forth above with regard to claims 1, 12, and 23.

## **CONCLUSION**

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Respectfully submitted,

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